IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5192 OF 2004

Mohd. Ilias Mohd. Yakub Shah ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. Ganesh Gole, for the Applicant.

Mr. R.Y. Mirza, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

2nd December 2004

P.C.:

. Heard Counsel for the parties. I see no reason to depart from the opinion recorded by the Court below while rejecting the bail application preferred by the present Applicant. In the dying declaration, clear allegations have been made against the Applicant. If it is so, not a case for bail having regard to the seriousness of the offence.

. When I indicated my mind that I am

inclined to dismiss this application after hearing the Counsel for the parties at length, only thereafter at the end of hearing, learned Counsel for the Applicant submits that the Applicant may be released on bail on parity with accused No.,2, who has already been released on bail. A copy of that order, however, has not been placed before me. In the circumstances, not a case for bail. Rejected.

. The trial Court, however, is directed to expedite the hearing of the case and if the same is already not assigned to the Fast Track Court, the Sessions Judge, Thane, may take necessary steps to do so to ensure early disposal of the trial.

(A.M.KHANWILKAR,J.)